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GENERAL ADMINISTRATION DEPARTMENT

Mantralaya, Bombay 400 032, dated the 23rd September 1988

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CONSTITUTION OF INDIA.

No. SRV - 1086/2776/CR-5/87/XII. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Maharashtra is hereby pleased to make the following rules to amend the Maharashtra Civil Services (Regulation of Seniority) rules, 1982, namely :-

1. These rules may be called the Maharashtra Civil Services (Regulation of Seniority) (Amendment) rules, 1988.

2. In rule 4 of the Maharashtra Civil Services (Regulation of Seniority) Rules, 1982 (hereinafter referred to as "the principal rules"), in sub-rule (1), in the second proviso, after the words "a fortuitous appointment" the following shall be inserted, namely :-

"except in a case where the competent authority certifies that, it was not expedient/possible or practicable to make a regular appointment strictly in accordance with the ratio of recruitment as prescribed in the relevant recruitment rules, with the brief reason recorded therefor".

3. In rule 5 of the principal rules, -

(a) in sub-clause (1), at the end after the words" as commencing from that date." the following shall be added, namely :-

"The deemed date assigned under this rule and the seniority list prepared in pursuance of the same, shall not ordinarily, be altered at the time of preparation of seniority list on the subsequent occasions or in the subsequent years".

(b) to sub -rule (3), the following proviso shall be added, namely :-

"Provided that, in a case where a Government servant himself is deemed responsible for delay in assuming charge of the promotional post, his *inter se* seniority shall be fixed with reference to the date he actually assumes charge of such post."

4. In rule 6 of the principal rules, after the existing proviso, the following proviso shall be added, namely:-

"Provided further that, appointment shall not be deemed to be fortuitous if the authority competent to make appointment certifies while preparing the annual gradation list that the temporary appointment had to be made, as candidates for regular appointment by nomination or as

the case may be, persons fit for promotion from the lower cadre, were not available at all or in adequate numbers."

5. After rule 6 of the principal rules, the following rule shall be inserted, namely :-

"7. Preparation of gradation list annually. - The authority competent to make appointment shall prepare annually for each cadre under 1st control, a gradation list of persons under that cadre in the order of seniority as on 1st January and shall bring it to the notice of the Government servants concerned."

6. Existing rule 7 of the principal rules shall be renumbered as rule 8.

By order and in the name of the Governor of Maharashtra,

S. RAMAKRISHNA
Additional Chief Secretary (Personnel) to Government.

No. SRV - 1036/2776/CR-5/87/XII
GENERAL ADMINISTRATION DEPARTMENT
Mantralaya, Bombay 400 032.
Date the 23rd September 1988.

Copy forwarded with compliments to -
The Secretary to the Governor,
The Secretary to the Chief Minister,
The Personal Assistants to all Ministers and Ministers of State,
*The Secretary, Maharashtra Legislature Secretariat, Bombay,
*The Prothonotary and Senior Master, High Court, Bombay,
*The Registrar, High Court, Appellate Side, Bombay.
*The Registrar, Office of the Lokayukta and Upa - Lokayukta, Bombay,
*The Secretary, Maharashtra Public Service Commission, Bombay,
*The Secretary, Maharashtra Subordinate Services Selection Board,
(All Regional Subordinate Services Selection Boards),
All Commissioners of Divisions,
All Collectors of Districts,
All Chief Executive Officers of Zilla Parishads,
All Chief Officers of the Municipal Councils,
All other Departments of Mantralaya,
All other Heads of Departments and Heads of Offices under the several Departments of Mantralaya.
* By letter.

P. D. MALVE,
Deputy Secretary to Government.